

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUSAN WHITE, as Personal Representative
for the Estate of KAYLA WHITE, deceased,
and CODY CAMPBELL, as Personal
Representative of the Estate of BRAEDIN
CAMPBELL, deceased,

Case No. 2:17-cv-12320

Hon. DAVID M. LAWSON

Plaintiffs,

v.

FCA US, LLC,
a foreign limited liability company, and
CLARENCE HEATH, individually,

Defendants.

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**MOTION FOR APPROVAL OF SETTLEMENT AND FOR
DISTRIBUTION OF SETTLEMENT PROCEEDS**

NOW COME Plaintiffs, SUSAN WHITE, as Personal Representative for the Estate of KAYLA WHITE, deceased, and CODY CAMPBELL, as Personal Representative of the Estate of BRAEDIN CAMPBELL, deceased, by and through their attorneys, LAW OFFICES OF COURTNEY MORGAN, PLLC, and in support of their Motion for Approval of Settlement and for Distribution of Settlement Proceeds, state as follows:

1. Plaintiffs, Susan White and Cody Campbell, allege that Kayla White and Braedin Campbell suffered wrongful death, proximately caused by FCA US, LLC's design of the Jeep Liberty.

2. Through the course of this litigation, Plaintiffs' counsel engaged in extensive discovery including no fewer than forty-four depositions, including nearly a dozen defense experts, along with substantial written discovery.

3. Plaintiffs' counsel further retained and submitted reports from six retained expert witnesses regarding the alleged defect associated with the Jeep Liberty (KJ), the reconstruction of the accident, economic losses, and the decedents' conscious pain and suffering.

4. On June 19, 2018 the parties underwent voluntary facilitation with Richard Soble, Esq. This was ultimately unsuccessful.

5. Trial, in this case is scheduled for December 10, 2019

6. Ultimately, the parties agreed to a second facilitation on August 1, 2019 with Robert F. Riley, Esq.

7. On that date, Plaintiffs and Defendant FCA US LLC reached a confidential settlement. Plaintiffs' claims against Defendant Clarence Heath are still pending. The settlement need not be delayed pending resolution of those claims.

8. MCL 600.2922(5) states:

“If, for the purpose of settling a claim for damages for wrongful death where an action for those damages is pending, a motion is filed in the court where the action is pending by the personal representative asking leave of the court to settle the claim, the court shall, with or without notice, conduct a hearing and approve or reject the proposed settlement.”

9. Plaintiffs hereby move this Honorable court to approve the settlement with FCA US LLC pursuant to MCL 600.2922(5). **A copy of the Confidential Settlement Agreement will be brought to the hearing for examination by the Court.**

10. MCL 600.2922(6) provides, in pertinent part:

“The proceeds of a settlement or judgment in an action for damages for wrongful death shall be distributed as follows:

(a) The personal representative shall file with the court a motion for authority to distribute the proceeds. Upon the filing of the motion, the court shall order a hearing.”

11. In order to pursue this cause of action, Susan White, as Personal Representative for the Estate of Kayla White, and Cody Campbell, as Personal Representative of the Estate of Braedin Campbell, retained the law firm of Law Offices of Courtney Morgan, PLLC (previously Morgan and Meyers, PLC), on a contingency fee basis. **See Exhibit 1, Retainer Agreement.**

12. Law Offices of Courtney Morgan PLLC acted on behalf of Plaintiffs in handling all aspects of communication and negotiation with the Defendants, as well as pursuing all facets of the litigation against Defendants.

13. The Law Offices of Courtney Morgan PLLC has incurred costs in pursuit of recovery in this matter, and pursuant to the retainer agreement signed with Plaintiffs’ counsel, the Law Offices of Courtney Morgan PLLC is entitled to a one-third (1/3) attorney fee of the net. Plaintiffs have a signed fee and costs statement by

the respective Personal Representatives, acknowledging their desire that this Court approve these costs, and a one-third (1/3) attorney fee of the net, pursuant to the fee contract. This will leave the net amount identified in the fee statement for distribution. **A copy of the signed fee and costs statement will be brought to the hearing for examination by the Court.**

14. At the time of Kayla White's death, interested parties (all of whom are adults) in her estate are as follows:

- a. Susan White- Mother of the decedent
- b. Robert White- Father of the decedent
- c. Kory White- Brother of the decedent

15. At the time of Braedin Campbell's death, interested parties (all of whom are adults) in his estate are as follows:

- a. Cody Campbell - Father of the decedent
- b. Susan White - Grandmother of the decedent
- c. Robert White - Grandfather of the decedent
- d. Kory White - Uncle of the decedent
- e. Sharon Campbell – Grandmother of the decedent
- f. Joseph Brock – Grandfather of the decedent

16. There are no minors interested in either estate.

17. Joseph Brock is the estranged father of Cody Campbell, and, therefore, pursuant to MCL 600.2922(3)(a) is legally entitled to present a claim. However, Mr. Brock has never been involved in the life of Cody Campbell, either before or after the death of Braedin Campbell. However, notice of this settlement and motion have nevertheless been served upon him.

18. Susan White, as Personal Representative for the Estate of Kayla White, and Cody Campbell, as Personal Representative of the Estate of Braedin Campbell, hereby move this Honorable Court to approve the distribution of the confidential settlement with FCA US LLC, pursuant to MCL 600.2922(5) and (6).

19. Plaintiffs will produce a copy of the proposed distribution of the net proceeds. **A copy of the Proposed Order of Partial Distribution will be brought to the hearing for examination by the Court.**

WHEREFORE, Plaintiffs respectfully request that this Honorable Court approve the wrongful death settlement in this matter and further enter an Order of Final Distribution as requested above.

Respectfully submitted,

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Dated: October 11, 2019

BRIEF IN SUPPORT

Plaintiffs rely upon MCL 600.2922 and MCL 600.2922a in support of their motion.

Respectfully submitted,

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Dated: October 11, 2019

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2019, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of said filing to the ECF counsel of record.

I further certify that I have mailed by U.S. mail the paper to the following non-ECF participants: None

RESPECTFULLY SUBMITTED,

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